

Representative Brian S. King proposes the following substitute bill:

ABORTION CLINIC LICENSING AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brian S. King

Senate Sponsor: _____

LONG TITLE

General Description:

This bill limits the Department of Health's rulemaking authority.

Highlighted Provisions:

This bill:

▶ prohibits the Department of Health from making licensing rules regarding hospital admitting privileges or a hospital transfer agreement for an abortion service provider.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26-21-6.5, as enacted by Laws of Utah 2011, Chapter 161

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **26-21-6.5** is amended to read:

26-21-6.5. Licensing of an abortion clinic -- Rulemaking authority -- Fee.



26 (1) Beginning on April 1, 2012, a type I abortion clinic may not operate in the state
27 without a license issued by the department to operate a type I abortion clinic.

28 (2) A type II abortion clinic may not operate in the state without a license issued by the
29 department to operate a type II abortion clinic.

30 (3) (a) The department shall make rules establishing minimum health, safety, sanitary,
31 and recordkeeping requirements for:

32 (i) a type I abortion clinic; and

33 (ii) a type II abortion clinic.

34 (b) The rules established under Subsection (3)(a) shall take effect on April 1, 2012.

35 (4) Beginning on April 1, 2012, in order to receive and maintain a license described in
36 this section, an abortion clinic shall:

37 (a) apply for a license on a form prescribed by the department;

38 (b) satisfy and maintain the minimum health, safety, sanitary, and recordkeeping
39 requirements established under Subsection (3)(a) that relate to the type of abortion clinic
40 licensed;

41 (c) comply with the recordkeeping and reporting requirements of Subsection
42 [76-7-305.6\(4\)](#) and Section [76-7-313](#);

43 (d) comply with the requirements of Title 76, Chapter 7, Part 3, Abortion;

44 (e) pay the annual licensing fee; and

45 (f) cooperate with inspections conducted by the department.

46 (5) Beginning on April 1, 2012, the department shall, at least twice per year, inspect
47 each abortion clinic in the state to ensure that the abortion clinic is complying with all statutory
48 and licensing requirements relating to the abortion clinic. At least one of the inspections shall
49 be made without providing notice to the abortion clinic.

50 (6) Beginning on April 1, 2012, the department shall charge an annual license fee, set
51 by the department in accordance with the procedures described in Section [63J-1-504](#), to an
52 abortion clinic in an amount that will pay for the cost of the licensing requirements described in
53 this section and the cost of inspecting abortion clinics.

54 (7) The department shall deposit the licensing fees described in this section in the
55 General Fund as a dedicated credit to be used solely to pay for the cost of the licensing
56 requirements described in this section and the cost of inspecting abortion clinics.

57 (8) The department shall review and, if necessary, revise the department's rules to
58 ensure that the rules comply with binding federal case law relating to requirements for hospital
59 admitting privileges or a hospital transfer agreement by an abortion service provider.